

IN THE UNITED STATES DISTRICT COURT ^{Page 1 of 1}
FOR THE DISTRICT OF DELAWARE

John A. Franklin [Pro-Se]
30329 Vines Creek Road
Dagsboro Delaware 19939
301-732-1400

Plaintiff

Civil Docket Number 07 - 389
Varified Complaint Demand A Jury Trial [seventh amendment]

RICHARD E. FRANKLIN
1323 TUSCANY BLVD.
VENICE, FL. 34292
1-941-496-8869

Defendant

JURISDICTION

TITLE 28 PART IV CHAPTER 85

CHAPTER 85 DISTRICT COURTS JURISDICTION

section 1332 Diversity of citizenship; amount in controversy costs

COMPLAINT

Count 1 Coercion Plaintiff is a victim of Defendant by use of harass power, pressure, of threats causing psychological and physical injury, Personal Liability by Defendant.

A systematic and/or continual unwanted and annoying pestering, which often includes threats and demands.

Applying illegal pressure to gain sadistic pleasure from.

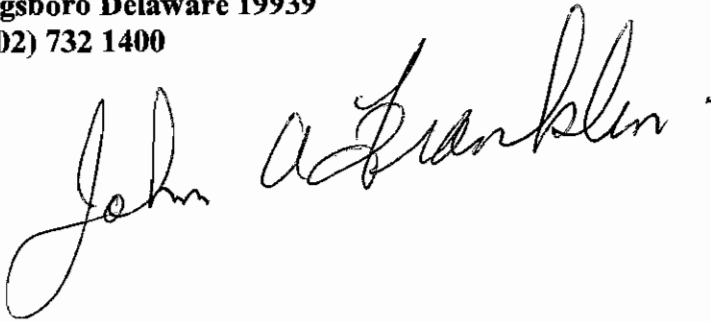
Count 2 Slander & Liable

PRAYER FOR RELIEF

[I] Punitive Damages of \$5 Million Dollars

The above is true under penalty of perjury.

**John A. Franklin [Pro-Se]
30329 Vines Creek Road
Dagsboro Delaware 19939
(302) 732 1400**

A handwritten signature in black ink that reads "John A. Franklin". The signature is written in a cursive, flowing style. The first name "John" is written with a large, looped 'J'. The middle initial "A" is small and sits between the first and last names. The last name "Franklin" is written with a large, looped 'F' and a trailing flourish at the end.

07-389

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

| | |
|---|---|
| I. (a) PLAINTIFFS <u>JOHN A. FRANKLIN</u> <u>30329 VINES CREEK RD.</u> <u>DAGSBORO, DELAWARE 19939</u> | DEFENDANTS <u>RICHARD E. FRANKLIN</u> <u>1823 TUSCANY BLVD.</u> <u>Venice, FL 33422</u> |
| (b) County of Residence of First Listed Plaintiff <u>Sussex County</u> (EXCEPT IN U.S. PLAINTIFF CASES) <u>Delaware</u> | County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. |
| (c) Attorney's (Firm Name, Address, and Telephone Number) <u>JOHN A. FRANKLIN - PRO-SE</u> | Attorneys (If Known) |

 FILED
 DISTRICT COURT
 DE LAWARE
 2007 JUN 19 AM 11:27

| | | | | | |
|---|---|--|---|--|---|
| II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width: 100%;"> <tr> <td style="width: 50%;"> Citizen of This State <input checked="" type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td style="width: 50%;"> DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 3 </td> </tr> <tr> <td style="width: 50%;"> Plaintiff <input checked="" type="checkbox"/> 4 Defendant <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6 </td> <td style="width: 50%;"> DEF <input type="checkbox"/> 4 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 5 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 6 Foreign Nation <input type="checkbox"/> 6 </td> </tr> </table> | Citizen of This State <input checked="" type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 3 | Plaintiff <input checked="" type="checkbox"/> 4 Defendant <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6 | DEF <input type="checkbox"/> 4 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 5 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 6 Foreign Nation <input type="checkbox"/> 6 |
| Citizen of This State <input checked="" type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 3 | | | | |
| Plaintiff <input checked="" type="checkbox"/> 4 Defendant <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6 | DEF <input type="checkbox"/> 4 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 5 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 6 Foreign Nation <input type="checkbox"/> 6 | | | | |

| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | | |
|---|---|---|---|
| CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |

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|---|---|--|---|--|---|--|--|
| V. ORIGIN (Place an "X" in One Box Only) | | | | | | | |
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment | |

| | |
|----------------------------|---|
| VI. CAUSE OF ACTION | Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>Title 28 Section 1331 - Diversity of Citizenship</u> Brief description of cause: <u>LIABLE and Slander and Harassment.</u> |
|----------------------------|---|

| | | |
|-------------------------------------|---|--|
| VII. REQUESTED IN COMPLAINT: | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ <u>\$5,000,000.00</u> | CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|-------------------------------------|---|--|

| | |
|-------------------------------------|---|
| VIII. RELATED CASE(S) IF ANY | (See instructions): JUDGE _____ DOCKET NUMBER _____ |
|-------------------------------------|---|

| | |
|---------------------|---|
| DATE <u>6/18/07</u> | SIGNATURE OF ATTORNEY OF RECORD <u>Pro-Se John A. Franklin</u> |
| FOR OFFICE USE ONLY | |

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07 - 389

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 1 COPIES OF AO FORM 85.

JUN 19 2007

(Date forms issued)

John A. Franklin
(Signature of Party or their Representative)

JOHN A FRANKLIN
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

RE: C.A.# 07 - 389

CASE CAPTION: Franklin v. Franklin

ACKNOWLEDGMENT OF RECEIPT FOR F.R.Civ.P. 4

I hereby acknowledge receipt of a copy of Rule 4 (Summons) of the Federal Rules of Civil Procedure, and understand that it is my responsibility to make service of process on defendants in accordance with this rule.

Date Received JUN 19 2007
by Plaintiff:

Signed:

John A. Franklin
Pro Se Plaintiff

Date Received JUN 19 2007
by Clerk's office:

Signed:

Evette Watson
Deputy Clerk

Note: If you received Federal Rule 4 by mail, please sign this receipt and return it to:

Clerk
U.S. District Court
844 N. King Street
Lockbox 18
Wilmington, DE 19801

If applicable, Rule 4 mailed to plaintiff:

Date mailed

By Deputy Clerk

cc: Docketing Clerk